

Meeting of 1997-5-13 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 13, 1997 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

John T. Marley, Mayor, Also Present:
Presiding Gil Schumpert, City Manager
Felix Cruz, City Attorney
Brenda Smith, City Clerk

The meeting was called to order at 6:15 p.m. by Mayor Marley. Notice of meeting and agenda were posted on the City Hall bulletin board as required by State law.

ROLL CALL

PRESENT: Jody Maples, Ward One
Richard Williams, Ward Two
Jeff Sadler, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Charles Beller, Ward Six
Carol Green, Ward Seven
Randy Warren, Ward Eight
ABSENT: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF APRIL 22, 1997, AND SPECIAL MEETING OF MAY 5, 1997

Green said in the April 22 Minutes an asterisk is on Page 448 but it should be on the second paragraph on Page 447 before the Hospice discussion.

Beller said in the April 22 Minutes on Page 456 there was discussion of notification of expiration of permits, which was tabled to the Council meeting of May 13; it is not included in the agenda for this meeting but has been discussed with the budget. He asked that the minutes be changed to show the item be tabled until budget discussions.

MOVED by Beller, SECOND by Maples, to approve amendment of the April 22 Minutes as stated. AYE: Beller, Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

MOVED by Shanklin, SECOND by Maples, to approve the Minutes of April 22 as amended, and May 5 as written. AYE: Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

CITIZEN OF THE MONTH AWARD PRESENTATION TO DAVID WARN

Janet Childress, Mayors Commission on the Status of Women, introduced David Warn as May Citizen of the Month. She said Mr. Warn is 16 years old and a Sophomore at Lawton High School; school activities include membership in the Honor Society and Spanish Club. He volunteers and mentors daily at Howell Elementary School where he assists teachers and children with sign language for the hearing impaired; provides classroom and playground supervision and volunteer child care duties during parent teacher conferences. This is an exclusive service because only those with knowledge of sign language can do this for the kids.

Childress said at Great Plains Area Vo Tech, Mr. Warn assists the language instructors and helps students learning sign language. He began teaching himself sign language when he was 14 and completed formal training at Vo Tech; he serves as an interpreter for church services and is a member of the local Friends of the Deaf and Hearing Impaired support group sharing social and empirical experiences and the members test new equipment and technology for the deaf and hearing impaired, and has taught his dog sign language.

Childress said she was excited to be able to recognize a young person as Citizen of the Month. Mr. Warn is joined tonight by his friend, Margaret Walker; his mother, Monica Warn; and his grandmother, Emma Crowder. She said the volunteer legacy will go on in the family and we can see that our children learn from us.

Mayor Marley said he hoped Davids peers were watching because this age group has a lot to offer the older folks, especially due to rapid changes in society. He read the proclamation of appreciation and congratulated Mr. Warn on his volunteer efforts.

Mr. Warn said he appreciated the award and looked forward to participating in the same activities in the coming year.

Childress said Ms. Bard, Commission Chairman, could not attend tonight and that the goals for the Commission had been provided in the agenda. Mayor Marley said the Commission does a fabulous job and that he would like to recognize the efforts.

Police Chief Bill Adamson introduced Officer Grimes and his dog Shawnee, and Officer Williams and his dog Caro. Both dogs are male German Shepards. Chief Adamson thanked Crimestoppers for the donation of the dogs, which have recently returned from school. Schumpert said one other dog had been donated and upon his first encounter he recovered about \$11,000. Schumpert said we are looking forward to having three dogs on the force. Adamson said these dogs are also cross trained as patrol dogs, search dogs, and drug identification dogs.

Shanklin asked if the address and name of the people involved in the \$11,000 incident would be made known to the public. Adamson said he did not believe that had been printed in the newspaper, it is public information, but is not advertised. Shanklin said he felt it would be good to advertise such things. Schumpert said the television and newspaper both had reporters present and they may wish to do a story on it.

AUDIENCE PARTICIPATION:

The following comments are inserted verbatim:

"My names Tony Virtu in case you dont know. Over the last couple of weeks Ive been told by four people on the City Council that basically asked me the same question, whats it all about? Give me more information. Tonight one of the members of the City Council said to me I dont really see what the City can do for you and I said well, you dont know anything about it. And this person responded with, well, thats true, so I figured Id give you a little summary of what happened over the last 14 months, real quick, its not real detailed.

On March 5th, 96, I called 911 and reported that I was being robbed of my residence and place of business by Billy Ray Dees. Jackie Laroche, an officer with the Lawton Police, showed up at the response to this, and after having a private conversation with Billy Ray Dees and ignoring me, and after being shown proof of my ownership, Jackie Laroche arrested me for disorderly conduct because I spilled coffee and threatened the thieves life. I was taken to the City jail after Jackie Laroche refused to allow me to lock up the business or my home and call someone to watch things for me. Billy Ray Dees proceeded to get a protective order against me to keep me away from my home and business. He lied on the protective order; he swore under oath and signed his name that he lived at 802 SW 2nd Street. Im glad you think this is funny, Felix.

Mayor: Sir, would you just continue on please.

Virtu: Thats what kept me away from my home. The next day, a deputy sheriff, Jerry Bailey, brought me to my home to get my personal possessions. I was unable to do that because after I opened the safe and took out the papers of ownership and Bailey had them in his hand, Officer Charlie Kerr from the Lawton Police showed up and he took those papers and he gave them to Billy Ray Dees and ordered me off the property with the threat of going to jail again. I went to Detective Steinbruner the same day and tried to file an offense report against Billy Ray Dees. I was told to leave the police department.

On March 11th, I went to the DAs Office and I was told I could not file an offense report. On March 26th I was charged with crimes because Billy Ray Dees without any evidence, hard evidence, said I did it. I sat in jail until February 6th of this year. Those charges were dropped. They didnt have any evidence, five days before the jury trial. The next day, February the 7th, I went to the police department, I wanted to file an offense report against Billy Ray Dees who stole from me. I was told to get out of the police department. Lets see, where are we here, there we go, I started a demonstration but no one would talk to me. A lot of people have talked to me, no officials from the City, nobody who should be doing something about anything. Im talking about citizens. Im thanking the citizens who support my cause right now by helping me by giving me food, I have no home, I have no where to live, but people bring me food, they support me. Unfortunately, many of them support me because they dont like you. I was arrested on March 19th for holding a peaceful demonstration by law at the Lawton Police Department. City Code says any public property owned by the City; I was on public property owned by the City, access to the public, they arrested me for trespassing. The ACLU loves that one.

Lets see, on April 28th, Captain Rightmer again refused to take an offense report from me against Billy Ray Dees. So I went to see Felix, I told him about this and he called the Chief and they finally, on what was that, May the 7th, took an offense report, grand larceny. Detective Roloff, yesterday, told me he checked it out. This is a real good one. He spoke with Billy Ray Dees and Billy Ray Dees assured him he didnt do anything wrong. Of course he hasnt checked with the witnesses, he hasnt checked any of the documents in the court or anywhere, he hasnt, he didnt do all that, he just spoke with Billy Ray and Billy Ray said hey, I didnt do nothing wrong. So Roloff said hey, what can I do? Well, I told Roloff some other things and he said he was going to check it out, but thats where it stands right now.

I call this a summary of a cover up by the Mayor, City Attorney and police.

Mayor: Thank you, sir.

Virtu: Your police committed misconduct, nobody wants to talk about it.

Mayor: Thank you.

Virtu: You're welcome.

Shanklin: Mayor, I want to respond to that just one, one second. You don't want any response? I've talked to Tony and he intimidated me he had a lawyer and I told him to go to a lawyer, get a lawyer and go to court, he has redress in court, its, it looks like a civil suit to me, and if he's going to walk around town all day long and then say that he doesn't have a job or a place to stay, I'd get a job and go to work, and let my lawyer do my talking for me.

Mayor: No sir, that's enough.

Virtu: I don't get a response?

Shanklin: That's it.

Mayor: No more.

Shanklin: You don't get a response, but there are people out there listening thinking we're not doing our job and we are doing our job.

Virtu: Tell me where to go to get a job and I'll go.

Mayor: Look in the classified section. (end verbatim)

Bob Payton said he was present to represent the task force that has been working on the private prison issue. Several Council members, the Mayor, and the County Commission has been actively represented, along with members of the Chamber of Commerce and Industry. Based on the proposals presented, the task force passed a resolution on Friday to move ahead with the private prison issue and today expanded on that with a resolution supporting the development of a 1,400 bed private prison that would create 350 jobs and cost about \$80 million to construct. The positive characteristics of the development of a prison within the communities we have studied have far outweighed any negatives, either real or perceived, and a lot of homework has been done to achieve that comfort level.

Payton said the Wackenhut Company from Florida is committed to build a correctional facility in Comanche County contingent on a contract with the State of Oklahoma and they are working on that right now. He said that is the proposal the task force recommends passage of. Payton said he knew the Council had taken some action on this and would have another chance to make another motion at the next meeting; the Chamber of Commerce executive committee has passed on that resolution moving it to the full board, and it will go to the County Commissioners and CCIDA within this week.

Payton said he wanted to let the Council and the public know that this plans to move forward and to be able to respond to any questions either in public or private.

Maples asked if this was the company that would build at no cost and with no incentives. Payton said both proposals received initially were basically the same, there are some funding mechanisms that must be set up, but there is no taxpayer money at risk in building these from either company.

Williams said he understood that both companies wanted to be sure the community was in favor before making a major commitment to building in Lawton. He commended the task force on its efforts. Williams asked that citizens talk to their representatives, Mayor and City Manager and let their concerns be known. He said he wanted to be sure any concerns were identified if there were any. Payton said that was one of the reasons for his attendance tonight.

Mayor Marley said there is no site identified at this time, although three or four areas have been looked at as possibilities. Payton said that and the work with the State for the contract are the next levels.

Nicole Bailey, Business Development Specialist for the Northside Chamber of Commerce, invited the Council and the public to the grand opening on May 16 at 10 a.m. for Green Ice. She said the two young ladies moved from a home based business to a store front business and have worked really hard.

CONDUCT ELECTION OF MAYOR PRO TEM

Purcell said he spoke with the newspaper publisher and a correction was run this morning, but that he was furious yesterday when he read an article on this subject. He asked anyone on the Council who wanted to do this for this year to please volunteer and he would support them. Shanklin asked Purcell if he wanted to do it. Purcell said he would if no one else volunteered but that he was not campaigning for the job.

Maples said she thought Purcell was doing a good job but that it should be passed around.

MOVED by Maples, SECOND by Williams, to nominate Charlie Beller to serve as Mayor Pro Tem. AYE: Warren, Maples, Williams, Sadler, Purcell, Shanklin, Green. NAY: None. ABSTAIN: Beller. MOTION CARRIED.

UNFINISHED BUSINESS:

1. Consider adopting a resolution to repeal Resolution Nos. 81-106, 83-28, 86-156 and 91-60 relating to Council Rules of Procedure, and adopt Council Policy No. 1-6 establishing Council Rules of Procedure. EXHIBITS: RESOLUTION NO. 97-51; SUMMARY OF SUGGESTED REVISIONS; PROPOSED COUNCIL POLICY 1-6.

Williams said the previous process was to raise your hand to be recognized and asked if that is being changed for a person to ask aloud. Mayor Marley said he would try to look for hands that may be raised but a verbal request could be made if needed.

Warren asked Beller if this accomplished what he wanted. Beller said he was still uncomfortable with telling a citizen they could speak only about items that were not on the agenda, but could not speak about an item that is on the agenda without permission. He said that was not removed from the rules, but he could live with it if Council so desired.

Purcell said the Summary of Revisions regarding Conduct of Meetings provides for the Request to Speak Form; that was not included in the rules themselves. Mayor Marley and Beller asked that the provision be added to the rules.

Beller said another change of note is that there will not be an opportunity for a member to "pass" during roll call, and the answers listed as proper are yes, no or abstain. Shanklin said the current policy calls for yes, no or abstain, without any remarks during the roll.

MOVED by Beller, SECOND by Warren, to adopt Resolution 97-51 repealing Resolution Nos. 81-106, 83-28, 86-156 and 91-60, and adopt Council Policy 1-6. AYE: Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-51

A RESOLUTION REPEALING RESOLUTION NOS. 81-60, 83-28, 86-156 AND 91-60 RELATING TO LAWTON CITY COUNCIL RULES OF PROCEDURE.

BUSINESS ITEMS:

Item 11 was considered at this time as follows:

11. Consider approving an agreement with the U.S. Army Corps of Engineers, Tulsa District, to conduct a Feasibility Phase Study for the Middle Branch of Wolf Creek, and authorizing the Mayor and City Clerk to execute the agreement. EXHIBITS: SUMMARY OF ESTIMATED FEASIBILITY STUDY COST; PROJECT AGREEMENT.

Jerry Ihler, Public Works/Engineering Director, said in 1995 the Corps of Engineers performed a reconnaissance study on the Middle Branch of Wolf Creek; funds were not available at the national level to continue with the study at that time; results of the study indicated a positive cost benefit ratio where the Corps of Engineers could continue to participate in the feasibility study phase, which leads to plans and specifications. In January 1997, staff presented a Wolf Creek Mitigation Report with several alternatives to improving the Middle Branch of Wolf Creek. City Council accepted that report and authorized staff to proceed with coordinating and working with the Corps of Engineers with the possibility of a joint project. Staff has been working with the Corps for the last several months on a feasibility cost share agreement and this item calls for execution of that agreement. The agreement consists of the feasibility study cost and the City's share is 50%; total cost for the City's share is approximately \$172,950, and \$27,500 of those dollars are incurred through in-kind services. He said Mr. Gene Lilly from the Corps of Engineers Planning Division is present to answer questions.

Shanklin said a study was done in 1978 by Hendrick & Hendrick and asked how it would be different from this. Ihler said some of the environmental criteria as a result of EPA could require some mitigation changes; it is not thought that the plans would change a lot and the Corps has been asked to include that in the scope of study. Ihler said if the feasibility study shows a cost benefit ratio where the Corps can participate in a construction project, the share for the Corps is 65% federally funded and 35% local funding. Ihler said to be able to get to that position with the Corps and obtain 65% of the funding, this feasibility study must be done.

Shanklin said at one time the I-44 sewer line was paid for with the Department of Health stamp on it, we did not have the right of way when we had the money, but when we did put the I-44 out for new consulting, it was changed very little by picking up Mission Village and Garden Village. There was \$110,000 in that, and he and an engineer compared the two and there was not a nickles worth of difference except for those two additions to the plans. He asked if the Corps had seen the report he mentioned earlier and Ihler said yes. Ihler said the Wolf Creek Mitigation Report that was presented in January was a culmination of that report by Hendrick and a report done in the early 1980s by Johnson Engineering. Copies of all reports on the Middle Branch have been sent to the Corps of Engineers.

Shanklin asked if it would still cost this kind of money. Ihler said yes, and \$80,000 of the cost is for the actual plans and specifications for the construction, and that cost would be incurred whether or not we participated with the Corps. Ihler said the City had some conservative estimates in the report but the Middle Branch cost was around \$6 million, including the detention facility. Ihler said he did not know if the Corps would be able to participate in the detention construction east

of 67th Street, but the actual channel improvements from downstream of the proposed detention structure at 67th Street all the way to the confluence with the Main Branch of Wolf Creek, that is what they are proposing to participate in, and the construction cost for those areas is anticipated to be around \$4 million; 65% would be a good deal of money.

Shanklin asked if the Corps has authority on Fort Sill land, such as a detention pond on Fort Sill. Lilly said that would have to be by agreement between Lawton and Fort Sill. Shanklin said there is an MOU in place. Ihler said he understood that the Corps has authority over all waters of the United States with regard to the regulatory agency. Ihler said the two detention reservoirs on Fort Sill have nothing to do with this agreement; this agreement is for strictly the Middle Branch of Wolf Creek; the reservoirs on Fort Sill would be for the West Branch and the East Branch.

Sadler said he understood how there could be significant changes if the study was in 1978. He said the Meadowbrook flooding problems are much different now than they were 20 years ago with everything having been built up. Sadler said the citizens are real tired of hearing of paying for more and more studies and perhaps the money could be better spent doing some actual work which would help alleviate problems. He said if part of this is for construction plans, that would be much better, but that he would go on record as stating he was real tired of voting for studies and wanted to see money spent on actually doing something other than plans and studies. Sadler said everyone was ready to see some money spent on detention ponds or channel work where some good would result.

Ihler said he agreed but when you look at 65% funding for the entire reach, that is something that should be reviewed.

Warren asked if the numbers on the commentary were being used, or the numbers from the summary. He said the summary shows the City's cost as \$27,500 and federal as \$345,400. Ihler said the total cost share amount for the study is \$345,900 and the difference being the \$372,900 is the cost of the study that under the Section 205 of the Flood Control Act the federal government picks up the first \$100,000 of the study, and the reconnaissance study costs \$73,000 for them to prepare; the Corps is picking up the first \$27,000 and then it is 50% after that.

Green said the citizens on the south end of the creek are unhappy about the trash, debris and grease, and also questioned the retention ponds at Fort Sill and cleaning up the creek. She said the residents feel they are being overburdened and asked that it be reviewed; they want the engineers, her and the Mayor to look at the problem. Green said years back the residents could take three inches of rain, but now only one inch causes the farm land to flood causing a disaster situation. Ihler said he would be happy to look at the problem.

Purcell asked if the City would receive plans as a result of this feasibility study to see what must be done to solve the problem. Ihler said the result of the feasibility study will be a set of plans and specifications to go out to construction to solve the problem in this area, possibly less the detention ponds. Purcell said it seems to be just another study but will result in identifying the problem, the solution, and provide the plans and specifications to solve the problem.

Lilly said there would be plans and specifications after this study; the study would determine if there was a local interest in the project and if the project meets federal criteria; after that study, there would be plans and specifications required for the engineering drawings. Purcell said the total amount Council is being asked to approve, the \$372,900, includes \$80,000 for the design and specifications. Lilly said \$80,000 was an estimate which was shown on another project and the \$372,900 does not include plans and specifications.

Shanklin said the funding source is shown as the 1995 CIP and asked the remaining balance. Purcell said if the plans and specifications were provided, that might not be bad, but if it is just another study and then you must get plans after that, it would be over the \$372,900.

Maples asked how long it would take for the study. Ihler said the time frame provided in the agreement is the report would be completed in June 1999.

Beller asked if Council wanted to invest the money from the 1995 CIP without knowing where we would get \$6 to \$7 million for the work. He said the study would take two or three years, and things could change again during that time. Beller said they say it will fix the problem, but the homes will still be in the valley of the Meadowbrook area and perhaps it would be better to buy the properties and forget the study. He said he could not support this item without knowing what would be received. Beller said another item was listed as "any unknown items which may be encountered", which may further increase the cost.

Ihler said his understanding on the plans and specifications was that this \$80,000 for the design and cost estimate does provide preliminary plans; not plans you could construct from. The design and plans and specifications are rolled into the construction aspect which has the 65%, 35% funding share if it is an approved project.

Beller asked if all work would stop during the two years the study is being done, such as working with the Country Club to open the channel and move the water out. Ihler said the plans for the Country Club would be included with the Corps review to analyze that as an alternative to determine the most cost effective approach. Ihler said if the entire reach is to be done, we would not want to start construction of the Country Club plans until we were comfortable that it would be something the Corps would participate in.

Shanklin suggested this be tabled and said if a previously built detention reservoir were located in a different place, the City would not be in this position now. He said he would like to know how the affected residents would feel about waiting

two years.

Beller said he felt the Council wanted to provide relief for those residents and did not think this would be the vehicle to do that. He said the previous studies should be updated but it did not appear this would satisfy the residents.

Schumpert said the retention dams on Fort Sill will not help this problem; the only detention facility that will help is what is being called B2, which is not on Fort Sill, so although we are working on RFPs for two detention structures on Fort Sill, they have nothing to do with this particular problem. Another problem is this has been studied and the indication was an estimated cost of approximately \$10 million to take care of this, with \$6 million of that being for the Middle Branch. Council direction was to do nothing in Meadowbrook until going to the Corps of Engineers, and through this vehicle is the only way you get the 65% match. Other options were provided in the study, and one mentioned tonight was purchasing the homes, and there are others. He said Council put a hold on anything in Meadowbrook until we went to the Corps and did this, and it has now been done.

Schumpert said in the mean time, we are working on the area around Cache Road and 52nd, which is privately owned property, and we are affecting some clean up there. He said as the flow is increased through Lawton, when you hit the City limits, there is a situation occurring there, and that may not be our problem, but water is getting there quicker by the result of our actions. Schumpert said the study was to point out what needed to be done and what could be done, and possibly get a 65% match on the \$6 million. He said it would be less than \$6 million to purchase the homes.

Schumpert said one of the reasons staff gets involved in doing so many studies is the study will indicate a need to spend \$6 million on a project, and everyone agrees we do not have \$6 million, so another solution must be sought or the project gets shelved; in this case, it got shelved about 15 years ago so the data is now not good and the primary reason for having so many studies is that no action is taken on the studies that are done. He said action was not taken on previous studies so Council is now looking at 15 year old data to see how to handle a problem, and staff research indicated a cost of \$6 million, which is not available, but the Corps could provide 65% of that if we invest \$200,000 to be able to get 65% of \$6 million. Schumpert said it would probably take two years to do this in-house anyway, and another option is to purchase the homes.

MOVED by Purcell, SECOND by Shanklin, to table this until a special meeting to be held after all our budget workshops. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

Item 3 was considered at this time as follows:

3. Hold a public hearing and consider an ordinance closing a portion of the NW Arlington Avenue street right-of-way adjacent to 114 NW Arlington Avenue, and declaring an emergency. EXHIBITS: APPLICATION; SURVEY; LOCATION MAP; COUNCIL POLICY 5-1; ORDINANCE NO. 97-20.

Bob Bigham, City Planner, said the applicant is George Gill; item is to close a 2 x 50 strip at Second and Arlington. Notice of this hearing has been properly given. Cablevision did not object; PSO and Southwestern Bell have advised that they have no utilities in this area. The next action to clear title for the property is to petition in District Court for a vacation action. Staff recommends approval of the emergency ordinance.

Purcell asked how the building was constructed in the wrong place. Schumpert said staff relies on the documents given to Building Development, and surveys are not required for a building permit. Bigham said an applicant brings a site plan to obtain a building permit and the owner is responsible for staking the property and constructing the building in accordance with the site plan. Bigham said when the question of financing the building comes up, the survey is prepared and an encroachment can be determined, causing a requirement for corrective action before financing will be approved.

Purcell asked if this was determined during inspection. Dan Tucker, Building Development Director, said no.

Green said the citizens living in the area of First and Ferris were concerned about the notice containing the word "closing". She said the common interpretation is that the street is actually going to be closed. Bigham said he would include definition of closure in future notice letters to avoid confusion and provide a better understanding. Schumpert said residents believe it is closing a street, and it has nothing to do with the street but only the right of way easement that has been encroached upon by two feet. Green said she understood, but the residents did not. Cruz said the word closure must be used but clarification could be provided to further explain the proposed action.

Warren said orange stakes are being placed in various locations throughout town and asked if that would help give people better reference points. Schumpert said it would help but applicants are not required to provide survey documents to get a building permit; the survey document must be provided when financing is requested, and the only way the City could correct this type of problem would be to require a survey document, which no one wanted to require prior to building.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Beller, to approve Ordinance No. 97-20 closing a portion of the NW Arlington Avenue street right of way adjacent to Lot 7, Block 65, North Addition to the City of Lawton, and declare an emergency and waive reading of the title, reading only the title.

(Title read by Clerk) ORDINANCE NO. 97-20

AN ORDINANCE CLOSING A PORTION OF THE NW ARLINGTON AVENUE STREET RIGHT-OF-WAY ADJACENT TO LOT 7, BLOCK 65, NORTH ADDITION, TO THE CITY OF LAWTON; AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Williams. NAY: None. OUT: Maples. MOTION CARRIED.

2. Hold a public hearing and consider an ordinance closing a portion of the NW Ferris Avenue right-of-way adjacent to 513 NW First Street, and declaring an emergency. EXHIBITS: APPLICATION; SURVEY; LOCATION MAP; LETTER FROM FIRST COMMERCIAL BANK; COUNCIL POLICY 5-1; ORDINANCE NO. 97-21.

Bigham said this is similar to the previous item; there was a 2.8 foot building encroachment discovered through the loan closing process and the bank will not provide a mortgage without correcting this problem. The applicant, Lillian Whitlow, has requested a 4.3 foot by 100 foot strip to be closed, which does not close the driving surface. Proper notice has been given. Cablevision, ARKLA, and Southwestern Bell do not object; PSO has utilities in the area and would not object to the closure provided the utilities are relocated, although it did not indicate the utilities were in the requested area and that will need to be looked at more closely. He said the PSO question would be reviewed during the vacation action anticipated on the request. Bigham said the applicant has come from Portland, Oregon, to discuss this matter with Council.

Green asked that further explanation be read for public information. Bigham said the home was built in 1944, and as part of the application, the original building permit from 1944 was submitted and the cost at that time for the permit was \$2.50.

Shanklin asked if there are utilities in the easement. Bigham said the letter from PSO indicated there were utilities in the area. Shanklin said section two allows the utility to retain right of way. Bigham said PSO did not object to the closure but stated the utilities would have to be relocated if they were in the actual requested area.

PUBLIC HEARING OPENED.

Lillian Whitlow said she grew up in Lawton and had since moved to Oregon. She said her step father built the house in 1944 not knowing it was on the easement; he lived in the house ten years and passed away, her mother passed away ten months ago, never knowing the house was on that line, and she did not know until her brother told her recently. She said it cannot be moved as it is a concrete block structure, and she hoped the City could spare that four foot area so they could sell it. Whitlow said she has a potential buyer and would like to sell the property.

PUBLIC HEARING CLOSED.

MOVED by Green, SECOND by Shanklin, that Ordinance No. 97-21 be approved closing a portion of NW Ferris Avenue right of way, waive reading of the ordinance, read the title only, and declare an emergency.

(Title read by Clerk) ORDINANCE NO. 97-21

AN ORDINANCE CLOSING A PORTION OF THE NW FERRIS AVENUE STREET RIGHT-OF-WAY ADJACENT TO LOTS 7 AND 8, BLOCK 1, NORTH ADDITION, TO THE CITY OF LAWTON; AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Sadler. NAY: None. ABSTAIN: Williams. MOTION CARRIED.

4. Hold a public hearing and consider an ordinance closing the alley in Block 16, Butler Addition located at approximately the 1300 Block of E Avenue, and declaring an emergency. EXHIBITS: APPLICATION; DRAWING OF PROPOSED CLOSING; LOCATION MAP; COUNCIL POLICY 5-1; ORDINANCE NO. 97-22.

Bigham said the Salvation Army requested the alley be closed to vehicular traffic to use the property as a playground. Proper notice has been given. Several utilities are located in the alley; ARKLA Gas, Cablevision, Southwestern Bell and PSO do not object to closure but would want utilities relocated at the cost of the property owner if the property is to be vacated. Public Works/Engineering has no objection to closure but would object to vacation action as a sewer line is located in the alley. Vacation action in District Court is not anticipated.

Mayor Marley asked if the Salvation Army had been notified of this action. Bigham said yes. Ray Polk was present to represent the Salvation Army. Bigham said Salvation Army would have the right to petition for vacation but the City would be on record as opposing that action due to location of utilities.

Beller asked if utilities would have to be relocated if the alley is closed. Bigham said closing does not vest any interest from the public to the abutting property owner; Council could re-open the area by a similar ordinance if it is only closed. When the property is vacated through District Court, the property interest vests to the abutting property owner and the public right of way no longer exists. Bigham said this item is only the closure with no interest change in the property, and staff recommends approval of that, but the next step to petition District Court to vacate and do away with the easement, staff would recommend objecting to that. Beller said no buildings were planned to be constructed. Bigham said that would not be allowed. Beller said it is strictly for a playground and recommended approval.

Warren said if a utility in the alley needs repair, the Salvation Army will realize that access is to still be granted for that work.

PUBLIC HEARING OPENED.

Ruth Tehigh said she owns property at 13th and E, and her brother owns property at 12th and F, and wanted to be sure it would not affect the alley going toward the park, but only the alley between the Salvation Army. Mayor Marley said it would be for that block only. Tehigh said that is across the street from them and she would not object as long as it did not affect their alley which is used for their access. She said the notice she received was confusing.

PUBLIC HEARING CLOSED.

MOVED by Beller, SECOND by Warren, that Ordinance No. 97-22 be approved closing the alley in Block 16, Butler Addition, waive the reading of the ordinance, read the title only, and declare an emergency.

(Title read by Clerk) ORDINANCE NO. 97-22

AN ORDINANCE CLOSING THE ALLEY IN BLOCK 16, BUTLER ADDITION, LOCATED AT APPROXIMATELY 1300 SW E AVENUE; AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Shanklin, Beller, Green, Warren, Maples, Sadler, Purcell. NAY: None. ABSTAIN: Williams.

5. Hold a public hearing and adopt a resolution declaring the main structure at 308 NE Skyline Circle to be dilapidated and detrimental to the health and safety of the community and authorize the expenditure of City Council Contingency Funds, if necessary, to demolish this structure. EXHIBITS: RESOLUTION NO. 97-52.

Dan Tucker said the property was involved in a fire in April 1996 which was determined to be an act of arson by the persons who were purchasing the structure. Mortgage holders and owner were notified in November 1996. The brick walls are up, however, the attic and ceiling joists are shot. In March, the mortgage holders were notified that this would be brought before Council for condemnation and a letter was received requesting no action be taken and that they would do something with the structure. Staffs response was the item would be brought to Council in May, which would be adequate time to leave it sitting there awaiting action. Last week a telephone call was received from the person handling the mortgage holders interest and he was to have someone in to get a demolition permit by Friday if it would be removed from the agenda. Tucker said his response was that if someone came in for a demolition permit or some action at any time before this meeting, that he would so advise the Council. Tucker said he was told someone would be present to speak tonight but did not know if that was the case.

PUBLIC HEARING OPENED. No one appeared to speak.

PUBLIC HEARING CLOSED.

Purcell said the building has been sitting for an entire year since it was burned, to the detriment of the neighborhood, and nothing has been done. He said at the last minute now someone says they want to do something, but they had two months and did nothing, then another week before the Council meeting and have still done nothing.

MOVED by Purcell, SECOND by Warren, to adopt Resolution No. 97-52 declaring the structure at 308 NE Skyline Circle to be dilapidated, a fire hazard and detrimental to the health and safety of the community and calling for the destruction of said structure, and authorizing the expenditure of City Council contingency funds to remove this structure if required. AYE: Beller, Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-52

A RESOLUTION DETERMINING A CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURE.

6. Consider approving the FY 1997 Consolidated One-Year Action Plan for publication and submission to the U.S. Department of Housing and Urban Development (HUD), and upon HUD approval authorize the Mayor and City Clerk to execute the grant agreements. EXHIBITS: FY 97 PROPOSED FUNDING ALLOCATIONS SUMMARY; FY 97 REVISED FUNDING ALLOCATIONS SUMMARY; FY 96 FUNDING SUMMARY; FY 95 FUNDING SUMMARY.

Frank Pondrom, Director of Housing and Community Development, said Council went over the result of the citizen participation efforts at its last meeting. Two options have been provided and either is adequate to meet the federal regulations. Changes are deleting street improvements around the Dunbar School, those being Roosevelt and 18th Street; taking \$15,000 from Contingency to allow the water line on Baldwin Avenue to be built at \$175,000 and for \$15,000 to be set aside for a roofing project at the Mattie Beal Home and for park improvements at Vernon Park.

Maples said she did not support the Lawton View Youth Center since Dunbar was in close proximity.

Green said she did not support giving \$20,000 to the Christian Family Counseling Center because the families that the funds are geared to for CDBG cannot get to the center due to lack of transportation; it would not be a service to the citizens who live in the area that qualify for CDBG funding, the Lawton View area. She suggested that \$20,000 be used to improve Vernon Park adjacent to Patterson Center.

Green said the streets surrounding Dunbar are substandard and require repair and curb. She asked if the Baldwin area where the water line is proposed would qualify for CDBG funding. Pondrom said yes, and that project was shown as one of the highest priority items needing attention. Green said the original list was reviewed through citizen participation and the water line on Baldwin was never brought up.

Green said she favored \$50,000 for the Lawton View Youth Center because the Dunbar Center space is already designated for use, and the kids have to be taken to other areas for activities. She said there is no room at the Multi-Purpose Center for activities.

Warren said in talking about the Dunbar Center and the Lawton View Youth Center, each place has their own plan of attack, but the Council as a group does not seem to have a plan of attack. Green said the Housing Authority and GPIF would support the Lawton View Youth Center, and the Dunbar Center is a long way off and would not be adequate. Warren suggested taking all the ideas from that area and using the funds in one concerted effort. Green suggested an advisory board be created for CDBG and Council could attend; there is no need for the citizen participation process if Council makes drastic changes. Beller said Council has the responsibility for the entire City.

Mayor Marley said the plan can be amended after it is submitted and Pondrom agreed there is a procedure for that if necessary.

Purcell said the only thing Council directed be done was to move \$20,000 of the youth employment program to the Area Prevention Resource Center. The revised plan shows \$20,000 in youth employment, and not the Area Prevention Resource Center. Pondrom said the youth employment program funds would be earmarked for employment of youth working with the Area Prevention Resource Center activities. Purcell asked why the Area Prevention Resource Center could not be shown at \$68,100 and delete the youth employment program in this year, since there is \$20,000 in there left over from last year. Pondrom said activities such as this may not exceed 15% of the allocation. Maples said it would be classified in a different fund but would go toward the budget in the Area Prevention Resource Center.

Purcell asked where \$15,000 for the Mattie Beal Home came in and how that was a part of this program. Williams said work is needed on the historic house and he had asked Pondrom if it was an eligible activity and Pondrom's response was that it is eligible.

Williams said he did not know if the \$15,000 was for a whole new roof or just a repair. Purcell said it may be a legal use of the funds but that he could not support funding for it, although it is a worthwhile cause and it should be done, but that funding should not come from CDBG. Beller asked what fund the \$15,000 came from for this and Pondrom said Contingency. Pondrom said \$15,000 is for repairs to the roof and does not provide for an entire new roof; engineering estimate has not been done but work is being done at the home now and contractors on site said \$15,000 would fix the leaking happening today.

Green asked if last years \$20,000 for youth employment was still available. Cruz said yes. Green asked if the plan for this to be used for the children in Ward 7 was still in existence and that there is still a need for a sponsor. Pondrom said we have a contract and a sponsor, United Social Action, and hope to be able to bring the contract to Council as soon as possible. Discussion clarified that it would be for low and moderate income youth any where in Lawton. Shanklin asked if funding was provided for the "not yet" program and Pondrom said that is the Area Prevention Resource Center.

Shanklin asked who was eligible to ride MedTrans. Pondrom said the priorities are women who have appointments for prenatal care at a doctors office, based on availability, other low and moderate income persons are eligible to ride; they will fill out an application and their status as a low or moderate income person would be verified. Program is handled by Great Plains Improvement Foundation. Shanklin asked if people had been denied access. Pondrom said some have been denied based on the fact that someone else had the slot someone else wanted; prenatal care is the priority and after they are taken care of, others are served. Pondrom said people needing this transportation must call a day in advance to make an appointment.

Williams said if CDBG funds can be used for the family counseling center, the Red Cross, the teen pregnancy program, Hospice, and such programs, the City should look at that because these are very worthwhile organizations. He said even though some of people may not be able to get to the family counseling center, it meets a need, and not all financially challenged people live in Ward 7. Maples said Marie Detty provides free counseling and is closer to Ward 7.

Shanklin asked if the request for funding for the Mattie Beal Home came from the sponsors. Williams said no, it was his idea. Williams said it is part of Lawtons heritage and there is fungus on the walls, humidity due to the roof problems, sewer problems, heat and air problems; it was the first mansion in Lawton, and the City is not responsible for it, but can take the lead in assisting the preservation society in making repairs. Shanklin said a bid would have to be presented instead of giving out \$15,000.

Sadler said \$5,000 was given a few years back for repairs at Mattie Beal, there are no funds provided for this and the help is needed. He said he felt the family counseling center was needed, it is located in Ward 1, and close to half of the population in Ward 1 qualified for CDBG.

Purcell said he was willing to take \$15,000 from the Museum to put toward the Mattie Beal Home because it was part of

the same concept of historic, museum, and so forth.

MOVED by Purcell, to adopt the FY 97 Proposed funding allocations summary for the Consolidated One Year Plan, Exhibit A.

Purcell said that funding strategy had the participation of the citizens and everyone had an opportunity to provide input.

Motion died for lack of second.

MOVED by Maples, SECOND by Williams, to accept the FY 97 Revised funding allocations summary, Exhibit B.

Green said on Exhibit A, the main item the Patterson Center area is wanting is Vernon Park improvement, so she would not support Exhibit A since it is not included. She said she had to support Exhibit B to have improvement made in Vernon Park, even though it included the Mattie Beal Home.

SUBSTITUTE MOTION by Purcell, SECOND by Green, to approve the Proposed FY 97, moving \$15,000 from Contingency 98-06 and adding a project 98-18 for Park Improvement for Vernon Park in the amount of \$15,000. AYE: Green, Warren, Purcell. NAY: Maples, Williams, Sadler, Shanklin, Beller. SUBSTITUTE MOTION FAILED.

VOTE ON MOTION TO APPROVE THE REVISED FY 97 FUNDING ALLOCATION: AYE: Maples, Williams, Sadler, Shanklin, Beller. NAY: Warren, Purcell, Green. MOTION CARRIED.

7. Consider approving an ordinance adopting the latest revisions to the BOCA/INTERNATIONAL building, plumbing, mechanical, property maintenance and national electrical codes, amending Chapter 6, Lawton City Code, 1995, and declaring an emergency. EXHIBITS: NONE. (Ordinance on file in City Clerks Office)

Tucker said in the spring of 1996 the Council appointed a subcommittee of Council members to look into City Codes to determine what changes needed to be made; one of the chapters studied was Chapter 6 dealing with buildings and construction. A number of meetings were held with the subcommittee and persons from the construction industry. The proposed ordinance adopts the latest editions of the codes listed. Other changes were made regarding the manner in which demolitions are done, such as when a call is received concerning an alleged dilapidated structure, one of the items to be reviewed would be how long it has been vacant; if it has been vacant for over a year, that would prompt an inspector to determine if it was being neglected or open to the public.

Beller said there are two criteria on Page 37, PM 110-1, as far as dilapidated buildings; one being if it has been determined to be dangerous, which includes a caveat at the bottom that says "or where utilities have not been on for a period of 12 months". He asked why that had to be used as a criteria and said many citizens use structurally sound buildings for storage purposes that do not have utilities due to economics.

Tucker said there is not a way to determine if a structure has been vacant other than checking on the utilities, and that would only cause an inspection to be done. If an inspector goes out and finds nothing wrong with the structure, it will not be brought to Council and any action must be approved by Council. Tucker said many buildings have been damaged by fire, have had plywood placed over them, and there is not currently a method in the ordinance to see whether the building is habitable.

Beller said Council considered a building that was destroyed by fire earlier in the meeting based on the current ordinance. Tucker said the building was not secured. Beller said many people have structures that are not inhabited. Purcell said the key words are "to cause an inspection". Purcell said an inspector does not go out at random to houses but if utilities are not turned on for a year, they would go out; if it is found to be habitable, no action is taken and they do not have to have utilities.

Schumpert asked if a better term could be used than habitable; some structures are not intended for habitation. Tucker said the last sentence says to determine if it is fit for habitation or occupancy; Beller is speaking of a structure used for storage where you go in and leave, that does not mean it is habitable. Maples said it should not be a problem if the word occupancy is included. Beller asked if occupancy means just using the building. Tucker said yes, if you go in it to pick up something, that is occupying the building; in order to be habitable, for someone to live in it, there must be hot water facilities, etc. Beller said he was speaking of commercial and industrial buildings, and asked why this was needed if language is already included as to definitions of dilapidated buildings. Tucker said he did not know how to get into the building otherwise.

Tucker said the underlined portions are new, and the portions not underlined are in the code currently; the "governing body" was added, as well as the last portion.

Schumpert asked if it was correct to say that if someone turns in an address that is thought to be gutted, but the inspector finds the property secure, this change would allow, even though it is secure but the utilities have been off for a year, the inspector can go in and see if it is structurally unsound. Tucker said the inspector would contact the owner and say the building has been vacant for some time and ask them their intentions. Tucker said the language was requested as a result of many vacant buildings in Lawton that are secure.

Shanklin said he was speaking mainly about residential structures that have been boarded up for ten years that need to

either be brought to code or torn down. He said the way to do that is if you have not had utilities to that dwelling in a years time, we have the right to inspect and tell you to come and get a building permit or tear it down, and there is nothing wrong with that. He said the vacant structures create a haven for the homeless, drug dealers, and gangs.

Maples asked if residential buildings could be specified. Tucker said there are commercial buildings that need this attention also, such as the old rendering plant where people were living and cutting steel from the roof to sell at the scrap yard, and the building fell in on them. Cruz said equal application must be provided. Maples said if someone is using a building as storage, that should be acceptable, and if it is unsafe, it should be repaired or condemned. Beller said he was speaking of a building that is structurally sound, although it does not have utilities. Maples said the inspection would determine if it is structurally sound.

Beller said another concern was PM 110-1.1 on unreasonable repairs, which states that when the governing body determines the cost of repair would exceed 50% of the current value of the structure, such repair shall be presumed unreasonable and it shall be presumed that the structure is a public nuisance and shall be ordered razed without option on the part of the owner. He said the owner would not even get the option to make the repairs. Shanklin said he knew of no Council denying a person the opportunity to bring his property up to code that wanted to do so, and extension after extension had been granted.

Beller asked if this would prohibit the person from making the repairs. Tucker said all demolitions require approval of the governing body, and there is always a question as to how much the repair would cost, and we want the building to be repaired. Tucker said the owner should have the ability to appear before Council to declare their intentions.

Beller asked what staff recommendation would be if repairs exceed 50% of the value, and asked why include it if it is not needed. Tucker said it is already in the code. Beller asked why it is not being enforced. Tucker said it is being enforced; staff receives bids from contractors to see what repairs would cost and then asks the realty board for an appraisal of what it would sell for if it was in a habitable condition; once that is determined, it is brought to Council.

Beller said it appears the City is taking over the responsibility of the property owner when the language is "without option on the part of the owner".

Tucker said another ordinance change is the expiration date of the certificates, and provision was made for companies to remain in business for a period of time if the certificate holder dies. All certificates will expire 31 July each year.

Maples said the Council Task Force was appointed to look at codes and try to make them user friendly, and this is a result of the task force.

MOVED by Maples, SECOND by Beller, to approve Ordinance No. 97-23, declare an emergency, adopt the proposed changes to Chapter 6, Lawton City Code.

(Title read by Clerk) ORDINANCE NO. 97-23

AN ORDINANCE RELATING TO PUBLIC SAFETY, REPEALING THE BOCA BUILDING CODE, 1990 EDITION; THE CABO ONE AND TWO FAMILY DWELLING CODE, 1989 EDITION; THE BOCA PLUMBING CODE, 1990 EDITION; THE NATIONAL ELECTRICAL CODE, 1990 EDITION; THE BOCA NATIONAL MECHANICAL CODE, 1990 EDITION; THE BOCA NATIONAL PROPERTY MAINTENANCE CODE, 1990 EDITION; CHAPTER 6, LAWTON CITY CODE, 1995, RESERVING THE CHAPTER, ARTICLE, DIVISION AND SECTION NUMBERS FOR FURTHER USES; ADOPTING THE BOCA NATIONAL BUILDING CODE, 1996 EDITION; THE CABO ONE AND TWO FAMILY DWELLING CODE, 1995 EDITION; THE INTERNATIONAL PLUMBING CODE, 1995 EDITION; THE NATIONAL ELECTRICAL CODE, 1996 EDITION; THE INTERNATIONAL MECHANICAL CODE, 1996 EDITION; AND THE BOCA NATIONAL PROPERTY MAINTENANCE CODE, 1996 EDITION; AMENDING ARTICLE 1 RELATING TO BUILDING CODE AND BUILDING RELOCATION; AMENDING ARTICLE 2 RELATING TO PLUMBING CODE; AMENDING ARTICLE 6 RELATING TO THE BUILDING CONTRACTORS REGISTRATION CERTIFICATE; AMENDING ARTICLE 7 RELATING TO THE BUILDING DEVELOPMENT APPEAL BOARD, CHAPTER 6, LAWTON CITY CODE, 1995, PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY AND PROVIDING FOR CODIFICATION.

VOTE ON MOTION: AYE: Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

8. Consider approving an ordinance relating to plumbing registration certificates, refunding certain fees paid for renewal of 1996 certificates, extending the expiration dates of certain certificates, and declaring an emergency. EXHIBITS: ORDINANCE NO. 97-24.

Schumpert said this is a companion document to the ordinance which just passed. As a result of anticipating the adoption of the code, we got into some conflicting requirements on plumbing registration certificates. This ordinance provides a one time fix to that by allowing those who have paid their fees to continue until renewal is due under the new ordinance, and also cause those who got a new license, when they should have been able to get a renewal, to have their money refunded.

Maples asked if the people would be automatically reimbursed. Tucker said five plumbing contractors have paid the excess amount and staff will ask them to fill out a claim form.

Green asked the steps a plumber takes to get registered. Tucker said a state plumbing license is required to be brought in for registration; without the state license there is no ability to register the certificate. State license requires three years experience, a practical and written examination, a bond and insurance verification. Three years experience is required for a journeyman and four years for a contractor. There are similar requirements for electricians.

Green asked where a person would report if someone does a very poor job. Tucker said it should be reported to his department, an inspector would be sent out to determine if it was poor work; if the person simply refuses to do the work, they notify the state and a field investigator is sent and gives the person the opportunity to do the work or have the bond called in to have it fixed. Green asked if this also applies to roofers and Tucker said no, there is no license for roofers.

Williams asked if the claim forms could be mailed to the plumbing contractors and Tucker said yes, although they come in frequently and his department has notary service available for the claims.

Maples said this is a result of another complaint which was presented directly to the Council at the last meeting. She said every complaint that came before the task force was fixed, and it was stressed at the last meeting that if there are complaints, people must come forward with them for action to be taken.

MOVED by Maples, SECOND by Shanklin, to approve Ordinance No. 97-24, declare an emergency, and waive the reading.

(Title read by Clerk) ORDINANCE NO. 97-24

AN ORDINANCE RELATING TO PLUMBING CERTIFICATES OF REGISTRATION, AUTHORIZING REFUNDING CERTAIN FEES AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

9. Consider approving the transfer of a Taxicab Certificate of Public Convenience and Necessity from Jack and Janice Locke, DBA Checker Cab Company and Safety Cab Company, to Jimmie T. Thompson, DBA Busy Bee Cab Company, Yellow Cab Company and Radio Cab Company, and if the transfer is approved, revoke the Taxicab Certificate of Public Convenience and Necessity issued to Jack and Janice Locke, DBA Checker Cab Company and Safety Cab Company. EXHIBITS: LETTERS.

Schumpert said the application and financial statements are in order and staff recommended approval.

Purcell asked if there had been any complaints against the person this is being transferred to in their current business. Schumpert said not sufficient to mention.

Warren asked why the certificate would be revoked after it is transferred. Schumpert said it is being taken from Locke and transferred to Thompson, so the Certificate of Necessity previously approved for Locke would then be revoked. Cruz said the necessity had been established previously and it is being transferred to Thompson. Shanklin said it would prevent Locke from going into business again on this certificate.

MOVED by Beller, SECOND by Shanklin, to transfer the taxicab certificate of public convenience and necessity from Jack and Janice Locke to Jimmie T. Thompson, and revoke the applicable taxicab certificate of public convenience and necessity previously issued to Jack and Janice Locke, DBA Checker Cab Company and Safety Cab Company. AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

10. Consider adopting a resolution entering into an Interlocal Cooperation Agreement with the State of Oklahoma Office of Juvenile Affairs, and approving an agreement with Marie Detty Youth & Family Service Center to establish a Community Intervention Center in Lawton. EXHIBITS: LAWTON PROPOSAL UPDATE; RESOLUTION NO. 97-53.

Schumpert said Marie Detty Youth and Family Service Center responded to a Request for Proposals from the Oklahoma Office of Juvenile Affairs many months ago. It appeared the agencies involved were not receptive to the idea of having such a center in Lawton. There was a grant possibility, and as opposed to losing that, Mr. Smith, the director, approached Duncan on this subject, and that is when it came to our attention that there was discussion and a vote by a group to consider moving it. At that time, Lawton became much more active in the program, as well as some legislators. The group that approved moving it to Duncan was called the SAG, and we appeared before their governing board in Tecumseh; they reiterated the fact that they wanted to establish it in Lawton and we were successful in getting it turned around and getting a grant for \$180,000; of that amount, Lawton must match the States with \$40,000.

Schumpert said the CIC will allow us to more effectively deal with the juvenile involved with altercations and law breaking in the City of Lawton. This is an area intervention center and those coming from outside Lawton would pay a fee to offset costs. This allows the police officer the option of taking a juvenile to a place where they are entered into the JOLTS system and provided counseling and an assessment of the situation, along with the parents, and attempt is made to identify what caused the juvenile to act in the manner in which he did; also to hopefully prevail on adult supervision of the youth the seriousness of the actions and possible consequences. It is not intended to be a jail facility to incarcerate the youth; they cannot hold a youth more than 24 hours in this facility. It is not designed to be a lock down facility, although the one being built will have that capability. The intent is for the police officer to take the youth to this location for processing and return to duty; the youth will have more happen to them than simply being turned back over to the parent.

Schumpert said the intention is to open this on May 15 on an interim basis at Marie Detty. Majority of the funds would go toward building a CIC wing on the current juvenile detention center, and at that time, they would have the ability to put a person in lock down. This has been coordinated with District Judge Bledsoe and Charles Ellenbrook, the Juvenile Bureau Director.

Shanklin asked the definition of a juvenile. Maples said a minor under the age of 18. Shanklin said he had a person of this age in his area who weighed close to 300 lbs. that could take on three people and asked where he would be taken because he is picked up every day. Schumpert said he would be taken to Mr. Smith, the Marie Detty Director, who states he can handle him.

Maples said there is mention of Marie Detty conducting an in-take and later on, mention is made of a court in-take. She asked if the families would go through two in-takes or if the one from Marie Detty would be provided to the juvenile bureau to be reviewed with the DA. Paul Smith, Marie Detty Center Director, said in-take at the CIC would be a basic, demographic and social services type in-take; information would be entered into the state wide tracking system; minor assessment would be done to try to determine a cause for the behavior and diversionary tactics may be recommended. Smith said that does not relieve the court system of doing a court in-take, and the intent is not to circumvent court in-take. Smith said the information from CIC would be forwarded for review with court in-take to attempt to gain the best result on the case.

Maples asked the time frame from CIC to the juvenile bureau for them to do an in-take. Smith said the juvenile bureau would get the CIC in-take along with the citation and officers report.

Maples asked if police would leave the original report with CIC and Smith said probably a copy.

Maples said JOLTS is the juvenile on-line tracking system throughout the state. Information from CIC would be added to the computer so if a juvenile moves to another county and commits another offense, that is tracked and builds a case file. She said currently the juvenile bureau cannot keep up with the case load and the in-takes are not clinical or thorough; this will prevent the police officers from babysitting or trying to find the parents and will provide a good intervention tool to make a good determination on how to handle the juvenile. Maples said Marie Detty has many state contracts and provides good diversionary programs that the juvenile bureau refers kids to so not all kids have to go through the court process. She said no authority is being taken away from the juvenile bureau, which still has the final word through the District Attorney as to whether a case goes to court.

Beller said page 59 refers to court in-take and asked if that means going before a judge. Maples said it is through the juvenile bureau.

Purcell said the agenda item shows \$60,000 from federal funds and asked if that is for the first year. Smith said there are three funding sources, \$60,000 federal; \$80,000 state office of juvenile affairs through legislative appropriation; and the City matches the State appropriation by 40%. Purcell said the next page, Lawton Proposal Update, shows a grant request of \$225,000 that was reduced to \$65,000, and asked if it was \$60,000 or \$65,000. Schumpert said federal was \$60,000. Purcell said another sentence shows a \$55 cost per youth to be billed to the City, and asked if this would be over and above the \$40,000. Smith said he was asked to determine a cost per youth admitted because it is a regional facility, and if a youth is brought in from Cache, the City of Lawtons payment would be decreased by \$55 and charge that amount to Cache. Purcell said that would apply to outlying cities, and not Lawton, and Smith agreed.

Purcell asked if the \$60,000 federal and \$80,000 state would be received in year two. Smith said no. Purcell asked if Lawton would have to come up with \$180,000. Schumpert said another RFP would be submitted for the second year for the state to fund at some level; we know the federal share will be reduced but do not know what the state level will be and that is tied to what Lawton would have to pay; if the federal share went to \$30,000 and the state share went to \$120,000, Lawtons share would be \$60,000. Schumpert said it is anticipated that Lawton will never have to pay the entire amount and that the state will always support the program.

Maples asked what would happen if they reach the maximum amount and have no open space. Smith said it will be open 24, 7, and they will have a staff to youth ratio of about three to one; if the police department were to pick up 80 kids at once, they would not have the space and would have to develop another plan.

Maples asked if the officers have discretion on bringing a youth to CIC and if any would be turned down. Smith said none would be turned down except in cases where the youth meets the standards to be placed in county jail, or if he has committed a detainable offense and a bed is available in detention; if a bed is not available, they would go to CIC. Schumpert said youth who are intoxicated or under the influence of drugs, or injuries, would be transported elsewhere. Smith said if the child is in need of mental health care they would not be accepted at CIC.

Maples said the police are trained in criminal codes but not thoroughly on the juvenile justice system.

Shanklin asked if a 17 year old is stopped by the police, can they be taken somewhere else. Smith said the juvenile bureau processes about 2,000 kids per year; about 1,000 of those would probably enter CIC throughout the year. Shanklin said some may not go to CIC depending on the crime. Smith said yes, if it serious enough to go to a more secure confinement facility, then they are not eligible to go to the CIC. Shanklin said the police may be more likely to pick up the youth if there

is something they can do with them. Smith agreed.

Shanklin asked how many could be handled at one time in the new facility. Smith said about 28 easily, probably 50 if needed; no more than ten to twelve are expected at any one time. Schumpert asked the average stay and Smith said approximately four hours.

Maples said there was an editorial about why it was taking so long to get this moving, and there was a statement that a city staff member supported the CIC being transferred to Duncan because the drive would provide quality time for the family members. She said that staff member had obviously never worked with these types of kids or families, and it is not quality time.

MOVED by Maples, SECOND by Williams, to approve Resolution No. 97-53 entering into Interlocal Cooperation Agreement with the State of Oklahoma Office of Juvenile Affairs and approve an agreement with Marie Detty Family Services Center to establish a Community Intervention Center in Lawton and authorize expenditure from City Council Contingency Fund. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

Smith said the project was in some jeopardy and the Mayor and City Manager got personally and forcefully involved and are responsible for bringing the program to Lawton.

Schumpert said he made the comment about quality time but the intent was that he would not drive from Lawton to Duncan to pick up his child and bring him back without that child understanding that he would not do that any more.

(Title only) RESOLUTION NO. 97-53

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAWTON AND THE OKLAHOMA OFFICE OF JUVENILE AFFAIRS FOR THE ESTABLISHMENT AND OPERATION OF A COMMUNITY INTERVENTION CENTER IN LAWTON, OKLAHOMA.

12. Consider endorsing the Fiscal Year 1997-98 Unified Planning Work Program for Metropolitan Transportation Planning. EXHIBITS: FY 1997-98 UNIFIED PLANNING WORK PROGRAM.

MOVED by Shanklin, SECOND by Purcell, to endorse the FY 1997-98 Unified Work Program. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

13. Consider the following damage claims recommended for denial: Marian and Emmett Albright; Kenneth and Ramona Neece; Geneva Cudd; Helmsman Management Services; Glen Evans; and Texoma Medical. EXHIBITS: LEGAL OPINIONS/RECOMMENDATIONS. Action: Claims denied as recommended.

14. Consider the following damage claims recommended for approval and consider passage of resolutions authorizing the City Attorney to file friendly suits for claims over \$400.00: William Henry Loud; Ottis J. and Johnnie R. Loggins; Daryl and Sherry Jaschen; Harold and Nancy Berfiend; and Lola McCutchen. EXHIBITS: LEGAL OPINIONS/RECOMMENDATIONS. Loud: \$110.00; Jaschen: \$365.00; McCutchen: \$208.62

(Title only) RESOLUTION NO. 97-54

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST OTTIS J. AND JOHNNIE R. LOGGINS IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE AMOUNT OF SEVEN HUNDRED NINETY DOLLARS AND NINETY-TWO CENTS (\$790.92).

(Title only) RESOLUTION NO. 97-55

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST HAROLD AND NANCY BERFIEND IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED AMOUNT OF THREE THOUSAND, FIVE DOLLARS (\$3,005.00).

15. Consider a resolution authorizing the installation and/or removal of traffic control devices at specified locations. EXHIBITS: RESOLUTION NO. 97-56; EXCERPT FROM 4/17/97 TRAFFIC COMMISSION MINUTES.

(Title only) RESOLUTION NO. 97-56

A RESOLUTION AUTHORIZING THE INSTALLATION OF TRAFFIC CONTROL DEVICES AT CERTAIN DESIGNATED LOCATIONS WITHIN THE CITY OF LAWTON, OKLAHOMA. Items: Remove two "No Parking Bus Loading & Unloading Only" signs north of drive at Adams School and install two new signs south of drive at Adams School along NW 35th Place; Remove "8am to 4pm" sign plate and install "when flashing" sign plate to existing school zone flashers at Westwood Elementary along NW 38th St.; Install "Children at Play" signs along Wisconsin Street between SW 12th and 17th Streets; Install a "No U Turn" sign for eastbound traffic at intersection of US 62 and NW 52nd St.

ITEM 16 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

17. Consider ratifying the action of the City Transit Trust regarding the hiring of a Transit Consultant to be funded by the

PL and Section 5303 transportation planning grants and Lawton Metropolitan Area Planning Commission acting as the Lawton Metropolitan Planning Organization. EXHIBITS: NONE. Action: Ratify hiring of transit consultant.

18. Consider approving the Memorandum of Understanding (MOU) between the City of Lawton and the Lawton Metropolitan Area Planning Commission (LMAPC) as the Lawton Metropolitan Planning Organization (LMPO) for metropolitan transportation planning in fiscal year 1998. EXHIBITS: MEMORANDUM OF UNDERSTANDING. Action: Adopt MOU between the City and LMPO for metropolitan transportation planning in fiscal year 1998.

19. Consider approving plans and specifications for the K Ave. and NW 34th Street Sewerline Replacement Project 97-9 and authorizing staff to advertise for bids. EXHIBITS: LOCATION MAPS. Action: Approval of item as stated.

20. Consider acknowledging receipt of a permit for the construction of sanitary sewer lines from the Oklahoma Department of Environmental Quality to serve the First Baptist East Extension, Lawton, Comanche County, Oklahoma. EXHIBITS: NONE. Action: Approval; Permit No. SL000016970261 for construction of 1,891 lf of 8" plus 477 lf of 10" PVC sewer line and appurtenances.

21. Consider approving an agreement with Advanced Systems Technology, Inc. allowing the use of a police vehicle for the purpose of preparing interactive police training software and videos. EXHIBITS: CONTRACT. Action: Approve agreement and authorize execution.

22. Consider extending contract with Southwestern Bell Telephone Company to provide E-911 equipment and support services to the City of Lawton until June 30, 1998. EXHIBITS: CONTRACT EXTENSION FORM. Action: Extend contract and authorize execution.

23. Consider extending current agreement with Southwestern Bell Telephone Company to provide PLEXAR telephone service to the City. EXHIBITS: CONTRACT EXTENSION FORM. Action: Extend contract and authorize execution.

24. Acknowledge receipt of election returns of March 11 and April 15, 1997. EXHIBITS: ELECTION TABULATIONS. Action: Acknowledge receipt of returns.

ITEM 25 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

26. Consider entering into a contract with Ms. Regina Harmon for fire protection outside the Lawton City limits, and authorize the Mayor and City Council to execute the contract. EXHIBITS: NONE. Action: Approve contract and authorize execution.

27. Consider approving a retainer agreement with the firm of Lytle, Soule and Curlee to represent the City in a pending contract interest arbitration between the City of Lawton and International Association of Firefighters, Local 1882. EXHIBITS: RETAINER AGREEMENT. Action: Approve agreement and authorize execution.

28. Consider approving amendments for legal services agreements between the City and the following firms/attorneys extending the expiration dates of said agreements to June 30, 1998: Robert Anderson (White lawsuit); Burgess and Burgess, Inc.; and Walker, Ferguson & Ferguson; and authorize the Mayor and City Clerk to execute the amendments. EXHIBITS: NONE. Action: Approve amendments and authorize execution.

ITEMS 29 AND 30 WERE CONSIDERED SEPARATELY AS SHOWN BELOW.

31. Consider approving contract change order of Ground Maintenance Service Contract (CL94-115) with Dales Tractor Service (Carl Eubanks), Lawton, Oklahoma. EXHIBITS: CONTRACT CHANGE ORDER; PUBLIC WORKS REQUEST DATED 2/21/97. Action: Approve change order regarding mowing of areas at the Wastewater Treatment Plant during construction, and authorize execution.

32. Consider extending contract for Employee Physicals/Drug Screen Testing. EXHIBITS: BID TABULATION; RECOMMENDATION. Action: Extend contract with Comanche County Memorial Hospital to 6/30/97 at same terms and authorize execution.

33. Consider extending contract for Testing Services. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Extend contract with Standard Testing to 7/31/98 at same terms and authorize execution.

34. Consider extending contract for Claims Administration Services. EXHIBITS: VENDORS MAILINGLIST; RECOMMENDATION. Action: Extend contract with MEGA Life & Health to 6/30/98 at same terms and authorize execution.

35. Consider extending contract for Work Clothing. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Extend contract with Sportswear & More to 1/31/98 at same terms and authorize execution.

36. Consider extending contract for Employee Assistance Program (EAP) Services. EXHIBITS: RECOMMENDATION. Action: Extend contract with Comanche County Memorial Hospital to 6/30/98 at same terms and authorize execution.

ITEM 37 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

38. Consider awarding contract for Long Distance Telephone Service. EXHIBITS: VENDORS MAILING LIST; PROPOSAL TABULATION; RECOMMENDATION. Action: Award contract to NTS Communications, Weatherford, OK, and authorize execution.

39. Consider awarding contract for Loader/Backhoe. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Construction Ag Supply Co. of Lawton, OK, and authorize execution.

40. Consider awarding contract for Heavy-Duty Oil Filter Crusher. EXHIBITS: MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Gray Automotive Products, St. Joseph, MO, and authorize execution.

41. Consider awarding contract for Automatic Diagnostic Monitor Scan Tool Set. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Automotive Parts, Inc., Lawton, OK, and authorize execution.

42. Consider awarding contract for Temporary Workers. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Direct Staffing Solutions, Lawton, OK, and authorize execution.

43. Consider awarding contract for Headset/Intercom Radio Mixer System. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award to CASCO Industries, Inc., Oklahoma City, OK, and authorize execution.

44. Consider awarding contract for Cellular Telephone Service. EXHIBITS: MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to AT&T Wireless Services, Lawton, OK, and authorize execution.

45. Consider approval of payroll for the period of April 21 through May 4; and May 5 through May 18, 1997. EXHIBITS: NONE.

Mayor Marley asked that Items 29 and 30 be considered separately. Williams asked for separate consideration of Item 37. Green asked for separate consideration of Item 25. Purcell asked for separate consideration of Item 16.

MOVED by Williams, SECOND by Warren, for approval of the Consent Agenda items as listed with the exception of Items 16, 25, 29, 30 and 37. AYE: Beller, Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

16. Consider denying requests for installation of traffic control devices at specified locations. EXHIBITS: EXCERPT FROM 4/17/97 TRAFFIC COMMISSION MINUTES.

Purcell said the item on installation of a 4-way stop sign at the intersection of 1st and B shows two accidents in the last two years. He said he previously worked at a building in that location and about three times a week a person could hear the screeching of brakes; there are many near misses on that corner. Purcell said it is a confusing intersection with a stop sign on 1st Street to stop north south traffic. He said a request was made several years ago to have a 4-way stop or to reverse the signs to put the stop signs on B Avenue, which is the east west street, instead of 1st Street.

Shanklin said he felt it should be a 4-way stop because traffic had to stop to be sure no one was going to run into them.

MOVED by Purcell, SECOND by Shanklin, to install 4-way stop signs at the intersection of 1st and B, and deny the other requests.

SUBSTITUTE MOTION by Maples, SECOND by Sadler, to have two stop signs on B Avenue instead of on 1st Street, and deny the other requests. AYE: Maples, Sadler. NAY: Green, Warren, Williams, Purcell, Shanklin, Beller. SUBSTITUTE MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Warren, Purcell, Shanklin, Beller, Green. NAY: Maples, Williams, Sadler. MOTION CARRIED.

25. Consider a contract between the City and the Comanche County Board of Health for certain health matters. EXHIBITS: CONTRACT.

Green said mosquitoes are a problem and part of the contract with the Health Department provides for mosquito control. She said many complaints have been received from the Lawton View area in regard to a pond at the Airport with an accumulation of mosquitoes.

MOVED by Green, SECOND by Shanklin, to approve the contract. AYE: Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

37. Consider rejecting all bids for Backhoe/Loader. EXHIBITS: VENDORS MAILING LIST; BID TABULATION;

RECOMMENDATION. Action: Reject all bids for Backhoe/Loader (Street Div.).

Williams said in talking with Ihler and Woodall, there appears to be a severe need to purchase a backhoe; Ihler and Woodall recommended an award be made to Lawton Tractor although there was a slight discrepancy in what was proposed and what was submitted. He said none of the vendors met the total specs to the letter. Williams said for two gallons difference on the gas tank and for one inch difference in the digging depth, and putting ourselves at risk on an old backhoe which has sustained very costly repair, the City would be ahead to purchase this equipment if it is legal.

Shanklin said Council considered purchase of a grader that missed some of the specifications slightly but the comment was made that we have the Specifications Committee and should stick to it. He said the point is there must be some deviation from the specifications from time to time and it all cannot be set in concrete. Shanklin said he thought the City blew \$35,000 a couple of weeks ago.

Beller said the Public Works and Street staff recommend award but Purchasing recommends it be rejected. He asked if it would be appropriate to award the contract to Lawton Tractor. Schumpert said the question should be directed to the City Attorney and his response has to be that it does not meet specs; the question being asked is if Council can determine that this is a minor deviation from the specs and the City Attorney has to answer.

Cruz said Council can award the bid considering the deviation from the standard in as much as it is not that functional to the equipment itself, it would be in the best interest of the City, and the equipment being used now is in need of repair. Beller said the equipment is needed and those who will be using it think it will be acceptable.

MOVED by Williams, SECOND by Beller, to award a bid for this backhoe to Lawton Tractor and Lift.

Shanklin asked how much the lowest bid was. Schumpert said this is not the low bid. Williams said all the bids were in the same area. Ihler said this is the lowest bid; there are two options, one with reversible pads and the other is with a four-year warranty and it is in the best interest of the City to accept the four year warranty, and with the four year warranty this is the low bid.

VOTE ON MOTION: AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Maples. NAY: Warren. MOTION CARRIED.

BUSINESS ITEM:

46. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending civil suit styled Michael Wightman v. City of Lawton, CJ-95-46, in the District Court of Comanche County, and, if appropriate, take action in open session. EXHIBITS: NONE.

ADDENDUM BUSINESS ITEMS:

1. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a settlement offer received on a pending lawsuit styled J.M. vs. Marley, et al., Case No. CIV95-0231, in the US District Court for the Western District, and take appropriate action in open session. EXHIBITS: NONE.

2. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to consider a settlement offer received in a third party claim styled Claude Byrd vs. Sabrina Renee Holloway, Case No. CJ-95-131, Comanche County District Court, and take appropriate action in open session. EXHIBITS: NONE.

3. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action on the School House Slough Concession, and take appropriate action in open session. EXHIBITS: NONE.

MOVED by Williams, SECOND by Green, to convene in executive session to consider items so listed on the agenda. AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 9:15 p.m. and reconvened in regular, open session at 9:50 p.m. with roll call reflecting all members present.

Cruz reported the Mayor and Council met in executive session to consider the items on the agenda; on the Michael Wightman matter, no action is needed in open session. Cruz said on J.M. v. Marley, no action is needed in open session. Cruz said on Claude Byrd v. Sabrina Renee Holloway, he would request Council consider approving a resolution authorizing subrogation settlement of the claim in the amount of \$6,0000.

MOVED by Purcell, SECOND by Maples, to approve Resolution No. 97-57. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-57

A RESOLUTION APPROVING AND AUTHORIZING SETTLEMENT OF A THIRD PARTY CLAIM BY CLAUDE BYRD AGAINST SABRINA RENEE HOLLOWAY.

Cruz reported on the executive session item on School House Slough, no action is needed in open session at this time. He said Items 29 and 30 should be held until the meeting is reconvened.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Schumpert said an agenda was sent out on the Lake & Land Commission indicating there would be a joint meeting of the Commission and the City Council and that is not correct. He said the Lake & Land Commission is receiving a report on the master plan for Lake Lawtonka and Council members are invited to attend if they so desire.

Schumpert said there was a house fire at 3105 Brentwood Drive which was determined to be arson and an individual has confessed and the person is 18 years old. There was also the death of a lady who lived on Irwin, she was 91 years old, the fire was apparently caused by a floor furnace where the lady had placed some material which caught fire and she did not get out; she had removed the batteries from her smoke detector.

Schumpert said when the new lighting was installed in the Council Chamber, a cable in the ceiling was damaged and is being replaced. Schumpert said Ken Graalum participated in a professional testing corporation emergency number professional certification examination, about 150 people from across the nation took the exam, nine took it in Dallas, and Mr. Graalum was the only one from Oklahoma who passed the exam.

Mayor Marley declared the regular Council meeting to be in recess so Lawton Water Authority business could be transacted. Council meeting was reconvened at approximately 10:01 p.m. with roll call reflecting all members present.

29. Ratify Lawton Water Authority action regarding lease extension with Mrs. Charlie Moore for the School House Slough Concession, Lake Lawtonka, until December 31, 1997. EXHIBITS: NONE.

30. Ratify Lawton Water Authority action regarding approving a lease agreement with School House Slough, Inc., for the School House Slough concession at Lake Lawtonka. EXHIBITS: NONE.

Cruz recommended these items be tabled to the next meeting.

MOVED by Shanklin, SECOND by Maples, to table the items until the next meeting. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

There was no further business to consider and the meeting adjourned at 10:02 p.m.